S.B. CIVIL WRIT PETITION NO.6293/2007.
(Anil Mathur & Anr. Vs.The Chief Manager, Punjab National Bank)

Date of Order :: 1st October 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Mahipal Rajpurohit, for the petitioners

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This petition for writ has been filed seeking the following reliefs:-

> "01- That present Writ Petition may kindly be allowed with costs and the impugned reminder dated 11.09.2007 (Annex.1) may kindly be quashed and set aside in the interest of justice.
>
> 02- The concerning authority may kindly be directed to consider the pension option status of the concerning employees of the Bank as per the pay slips and PF statements, issued every Half yearly by the concerning Department/Bank (i.e. Pension Optee), as the concerning employees of the Bank exercised there pension option within the stipulated period and the same was not withdrawn subsequently.
>
> 03- Any other appropriate relief which this Hon'ble Court deems just and proper as per the facts of the present case may also kindly be passed in favour of the petitioner."

The petition has been preferred by two petitioners; and their particulars have been stated thus:

> "01- Mr.Anil Mathur s/o Shyam Swaroop Mathur
> Vice President
> All India Punjab National Bank Workers Organization.
> 02- Mr.Ravinder Singh Chouhan s/o Chaturbhuj
> Singh Joint Secretary
> Punjab National Bank Workers Organization, Rajasthan.
> Both presently resident of 2/520
> Kudi Bhagtasni
> Housing Board, Jodhpur."

Along with this petition, registered address has been filed only in relation to the petitioner No.2.

The petition has been filed essentially seeking to question the reminder letter issued by the Punjab National Bank on 11.09.2007 to its respective regional offices pointing out non-availability of pension option letters in relation to certain employees; and, with reference to the previous communications, it has been requested that the original copy of the option letters from the record of regional office be sent while stating further that in case original pension option letters in respect of such employees were not submitted by 30th September 2007, the employee would be treated as non-pension optee. It is sought to be contended by the present

petitioners that the aforesaid reminder has recently been received by the concerning employees and no time or opportunity has been given to them to make their grievances and objections regarding the same; and copies of the said communication dated 11.09.2007 endorsed to two of the incumbents, namely Shri Bhanwar Singh and Shri Mohan Lal Meena, posted respectively at Jodhpur and Jaipur, have been filed as Annexure P/1.

On being questioned about competence of this petition for writ on behalf of the named petitioners, learned counsel for the petitioners submitted that the petitioner No.1 is the Vice-President of Punjab National Bank Workers Organization whereas the petitioner No.2 is Joint Secretary of the said Organization; and that the petitioners are seeking to espouse the cause of the employees aggrieved by the said communication dated 11.09.2007.

Apart from the fact that there is no such authorisation available on record investing the petitioners with any right to espouse the cause on behalf of aggrieved employee, if any, this Court is clearly of opinion that for the cause sought to be stated and agitated in this writ petition, the matter ought to have been taken up by the individual employee on the basis of his legal right, if any, and infringement thereof, if at all. The petitioners cannot be acceded liberty to invoke writ jurisdiction

of this Court for a cause wherein they have no personal legal right involved.

The petition suffers from another fundamental defect inasmuch as the sole respondent, Chief Manager of Punjab National Bank, does not appear to be a legal entity. Then, both the petitioners are stated to be residing at the same address though learned counsel frankly submitted that petitioner No.1 is resident of Jaipur. Even registered address filed with the petition is incomplete.

In any case, there is no entitlement with the petitioners to agitate the cause as sought to be taken up in this writ petition.

The writ petition stands rejected as being wholly incompetent.

(DINESH MAHESHWARI), J.

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